

RECEIVED  
CENTRAL FAX CENTER

MAY 20 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	John C. Pederson
Application No.:	10/640858
Filed:	August 13, 2003
For:	LED Warning Signal Light and Moveable Row of LED's
Examiner:	
Group Art Unit:	2875
Firm Docket No.:	E30.2N-8146-US09

DATE: 5-20, 2005 TIME: 1:51 FACSIMILE NO.: 703-872-9306  
 TOTAL NUMBER OF PAGES (including transmittal letter): 8

## FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 1 Pg Notice Pursuant to MPEP §2001(c); 6 page copy of a Complaint and 1 page Facsimile Transmittal Letter.

With respect to fees:  No additional fee is believed to be required  
 Charge any fee deficiency to our Deposit Account No. 22-0350

## Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,  
 VIDAS, ARRETT & STEINKRAUS

Date: 5-20-, 2005

By:   
 Edwin E. Voigt II  
 Registration No.: 36042

6109 Blue Circle Drive, Suite 2000  
 Minnetonka, MN 55343-9185  
 Telephone: (952) 563-3000  
 Facsimile: (952) 563-3001

f:\wpwork\eev\08140us09\_tra\_20050519.doc

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on 5-20, 2005.

Signature: Mary C. Granger  
 Mary C. Granger

**RECEIVED  
CENTRAL FAX CENTER**

**MAY 20 2005**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of:</b>	John C. Pederson
<b>Application No.:</b>	10/640858
<b>Filed:</b>	August 13, 2003
<b>For:</b>	LED Warning Signal Light and Moveable Row of LED's
<b>Examiner:</b>	Jacob Choi
<b>Group Art Unit:</b>	2875
<b>Firm Docket No.:</b>	E30.2N-8146-US09

**Mail Stop AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: E30.2Q-8146-US09

**NOTICE PURSUANT TO MPEP §2001.06(c)**

Applicant/patent holder is hereby providing notice to the United States Patent & Trademark Office pursuant to MPEP §2001.06(c) that the below identified patents are involved in litigation in the United States District Court for the Eastern District of Texas. Attached hereto is a photocopy of the patent infringement Complaint. The patents involved in litigation include the following:

6,380,865  
6,424,269  
6,469,631  
6,472,996  
6,504,487  
6,788,217  
6,822,578.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 5-20, 2005

By: 

Edwin E. Voigt II  
Registration No.: 36042

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
E-Mail: [evoigt@vaslaw.com](mailto:evoigt@vaslaw.com)

F:\WPWORK\EEV\08140US16\_LIT\_NOTICE\_20050519.DOC

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 1 of 6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FILED-CLERK  
U.S. DISTRICT COURT  
05 APR -5 AM 10:19  
TX EASTERN-MARSHALL

911EP, INC., )

Plaintiff, )

v. )

WHELEN ENGINEERING COMPANY, INC., )

FEDERAL SIGNAL CORPORATION, )

TOMAR ELECTRONICS, INC., )

and )

CODE 3, INC., )

Defendants. )

BY \_\_\_\_\_  
Case No. 2 - 05 C V - 137 TJW**JURY TRIAL DEMANDED**

Judge T. John Ward

**COPY****COMPLAINT**

Plaintiff 911EP, Inc. ("911EP"), for its complaint against Defendants Whelen Engineering Company, Inc. ("Whelen"), Federal Signal Corporation ("Federal Signal"), Tomar Electronics, Inc. ("Tomar"), and Code 3, Inc. ("Code 3") (collectively "Defendants"), states as follows:

**Introduction**

1. This action arises from Defendants' infringement of 911EP's patents relating to light emitting diode ("LED") warning signal lights.

**Parties**

2. 911EP, Inc. is a Delaware corporation with principal places of business in Jacksonville, Florida, and St. Cloud, Minnesota.

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 2 of 6

3. Upon information and belief, Whelen is a Connecticut corporation with its principal place of business in Chester, Connecticut.

4. Upon information and belief, Federal Signal is a Delaware corporation with its principal place of business in Oak Brook, Illinois.

5. Upon information and belief, Tomar is an Arizona corporation with its principal place of business in Gilbert, Arizona.

6. Upon information and belief, Code 3 is a Missouri corporation with its principal place of business in St. Louis, Missouri. Upon information and belief, Code 3 is a subsidiary of Public Safety Equipment, Inc., a Delaware corporation with its principal place of business in St. Louis, Missouri.

#### **Jurisdiction and Venue**

7. This is an action for patent infringement arising under provisions of the patent laws of the United States, Title 35, U.S. Code.

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Upon information and belief, each of the defendants has committed acts of infringement in this District.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

#### **Patent Infringement**

11. On April 30, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,380,865 B1 (the “‘865 patent”) to the inventor, John C. Pederson (“Pederson”). A true and correct copy of the ‘865 patent is attached hereto as Exhibit 1. Pederson assigned the

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 3 of 6

'865 patent to 911 Emergency Products, Inc. The '865 patent was subsequently assigned to 911EP.

12. On July 23, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,424,269 B1 (the "'269 patent") to the inventor, Pederson. A true and correct copy of the '269 patent is attached hereto as Exhibit 2. Pederson assigned the '269 patent to 911 Emergency Products, Inc. The '269 patent was subsequently assigned to 911EP.

13. On October 22, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,469,631 B1 (the "'631 patent") to the inventor, Pederson. A true and correct copy of the '631 patent is attached hereto as Exhibit 3. Pederson assigned the '631 patent to 911 Emergency Products, Inc. The '631 patent was subsequently assigned to 911EP.

14. On October 29, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,472,996 B1 (the "'996 patent") to the inventor, Pederson. A true and correct copy of the '996 patent is attached hereto as Exhibit 4. Pederson assigned the '996 patent to 911 Emergency Products, Inc. The '996 patent was subsequently assigned to 911EP.

15. On January 7, 2003, the United States Patent and Trademark Office issued U.S. Patent No. 6,504,487 B1 (the "'487 patent") to the inventor, Pederson. A true and correct copy of the '487 patent is attached hereto as Exhibit 5. Pederson assigned the '487 patent to 911 Emergency Products, Inc. The '487 patent was subsequently assigned to 911EP.

16. On September 7, 2004, the United States Patent and Trademark Office issued U.S. Patent No. 6,788,217 B2 (the "'217 patent") to the inventor, Pederson. A true and correct copy of the '217 patent is attached hereto as Exhibit 6. Pederson assigned the '217 patent to 911EP.

17. On November 23, 2004, the United States Patent and Trademark Office issued U.S. Patent No. 6,822,578 B2 (the "'578 patent") to the inventor, Pederson. A true and correct

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 4 of 6

copy of the '578 patent is attached hereto as Exhibit 7. Pederson assigned the '578 patent to 911EP.

18. Upon information and belief, each Defendant has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '865, '269, '631, '996, '487, '217, and '578 patents (the "patents-in-suit") by making, using, selling, and/or offering to sell, in this judicial district and elsewhere in the United States, products covered by one or more of the claims in the patents-in-suit.

19. Upon information and belief, Whelen's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

20. Upon information and belief, the infringement of the patents-in-suit by Whelen has been with notice and knowledge of certain of the patents-in-suit and has been willful and deliberate at least since July, 2003.

21. Upon information and belief, Federal Signal's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

22. Upon information and belief, the infringement of the patents-in-suit by Federal Signal has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

23. Upon information and belief, Tomar's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 5 of 6

24. Upon information and belief, the infringement of the patents-in-suit by Tomar has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

25. Upon information and belief, Code 3's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

26. Upon information and belief, the infringement of the patents-in-suit by Code 3 has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

27. Defendants' acts of infringement have caused damage to 911EP, and 911EP is entitled to recover from the Defendants the damages it has sustained in an amount to be proved at trial.

28 Defendants' acts of infringement have caused and will continue to cause irreparable harm to 911EP. 911EP has no adequate remedy at law.

**Prayer for Relief**

WHEREFORE, 911EP prays this Court for:

A. Judgment against each of the Defendants in an amount to be proved at trial for damages caused by Defendants' infringement, contributory infringement, and induced infringement of one or more claims of one or more of the patents-in-suit and treble damages for willful and deliberate infringement pursuant to 35 U.S.C. § 284;

B. Prejudgment interest on such damages;

C. A permanent injunction against each of the Defendants, enjoining them from further acts of patent infringement;

Case 2:05-cv-00137-TJW Document 1-1 Filed 04/05/2005 Page 6 of 6

- D. Costs and reasonable attorneys' fees in accordance with 35 U.S.C. § 285; and
- E. Such other relief as the Court may deem appropriate.

**Demand for Jury Trial**

911EP demands trial by jury on all issues so triable.

Date: April 5, 2005

Respectfully Submitted,

911EP, INC.  
By Counsel,

*Aslan Baghdadi by W.F. Palmer w/ permission*

Lawrence J. Gotts  
Aslan Baghdadi  
Matthew J. MacLean  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, Virginia 22102-4859  
Telephone: 703-770-7900  
Facsimile: 703-770-7901

W.F. Palmer  
PALMER LAW FIRM  
201 West Grand Avenue  
Marshall, Texas 75670  
Telephone: 903-935-9303  
Facsimile: 903-935-0822

*Counsel for Plaintiff 911EP, Inc.*